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SENATE BILL 6579

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State of Washington 57th Legislature

2002 Regular Session

By Senators Prentice, Winsley and Keiser; by request of Department of Labor & Industries

Read first time 01/22/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to occupational safety and health impacts grants;  
2 adding new sections to chapter 49.17 RCW; and making an appropriation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The director, in consultation with the  
5 WISHA advisory committee established by RCW 49.17.055, shall establish  
6 a program to provide safety and health impact grants to prevent  
7 injuries and illnesses, save lives, and educate Washington employees  
8 and employers about workplace hazards and safe workplace practices.  
9 The intent of this act is to benefit, in the broadest sense possible,  
10 Washington workers and employers, especially those who are in small  
11 business and may lack the injury and illness prevention resources that  
12 larger companies may possess. The department may use industrial  
13 insurance funds appropriated to accomplish the purpose of this act.  
14 Funding for this program will be taken from the medical aid fund  
15 reserves which are in excess of actuarial needs.

16 (2) Using a competitive application process, the department shall  
17 award safety and health impact grants to trade associations, business  
18 associations, employers, employee organizations, labor unions, and  
19 groups of employees. Educational institutions and self-insured

1 employers shall not directly receive grants but may participate in  
2 partnership with other eligible grantees if the product of the grant  
3 will significantly benefit employees and employers who belong to the  
4 state industrial insurance fund. Grants may include:

5 (a) Education and training grants to implement safety and health  
6 and to provide practical information, curricula, materials, and methods  
7 intended for use by employers and employees in reducing workplace  
8 hazards;

9 (b) Technical innovation grants to develop engineering and other  
10 technical solutions to injury and illness problems; or

11 (c) Grants for the application of hazard control.

12 (3) The department shall make significant efforts to ensure that  
13 not less than twenty percent of available grant funds are used for  
14 grants whose activities or products are intended to assist and benefit  
15 employers and employees in small businesses.

16 (4) Any materials, designs, or equipment developed under these  
17 grants will be in the public domain and may not be copyrighted or  
18 patented. Any materials or designs developed under these grants must  
19 be provided to the department at no charge as a condition of grant  
20 receipt.

21 (5) Grant funds may not be used to support or develop specific  
22 legislative or regulatory initiatives.

23 (6) The department shall not use information in a grant application  
24 or developed as a result of grant activities as the primary basis for  
25 developing a new rule or revising an existing rule. This grant program  
26 does not change any of the rule-making requirements of the  
27 administrative procedure act.

28 (7) The department shall not use information in a grant application  
29 or developed as a result of grant activities to initiate department  
30 activity at a grantee's worksite other than monitoring or evaluation  
31 visits intended to review the grant itself. To the extent a worksite  
32 is directly affected by a grant, the worksite must be treated the same  
33 as a worksite having a consultation visit under this chapter.

34 (8) The department shall not use information in a grant application  
35 or developed as a result of grant activities to establish the existence  
36 of a recognized hazard.

37 (9) To ensure accountability, each grant must include methods by  
38 which to measure progress toward completion of the grant and at least  
39 one appropriate measurable outcome related to injury and illness

1 reduction, hazard reduction, or safety and health awareness that will  
2 be the result of the grant award. The evaluation shall address both  
3 positive and negative impacts and costs. The department may assist  
4 grant recipients by providing available data needed to measure  
5 accountability.

6 (10) No grant application may be approved that proposes work that  
7 cannot be completed during the current application year or biennium.  
8 Grant recipients may apply for funding for continuation of grant work  
9 in subsequent years only if they have successfully completed the work  
10 for which they were previously funded as determined by the department.

11 (11) During the biennium ending June 30, 2003, no grant may be  
12 awarded that exceeds two hundred fifty thousand dollars per fiscal  
13 year. The WISHA advisory committee and the safety and health impact  
14 grant review committee may recommend future increases or decreases to  
15 the funding level.

16 (12) No grant may be used to fund a grantee's on-going business  
17 operations including routine expenses of a grantee.

18 (13) No grant recipient may charge more than ten percent of the  
19 total grant award for administrative expenses or indirect costs.

20 NEW SECTION. **Sec. 2.** (1) The director shall appoint a safety and  
21 health impact grant review committee that will be a subcommittee of the  
22 WISHA advisory committee. The review committee is composed of nine  
23 members: Four members representing employees, each appointed from a  
24 list of at least three names per position, submitted by recognized  
25 statewide organizations of employees; four members representing  
26 employers, including at least one representing small employers, each  
27 appointed from a list of at least three names per position, submitted  
28 by recognized statewide organizations of employers; and one ex officio  
29 member, without a vote, who shall represent the department. The  
30 committee chair shall be chosen by the review committee and shall  
31 alternate between employer and employee representatives. The committee  
32 members shall serve three-year renewable terms.

33 (2) Employer and employee members of the safety and health impact  
34 grant review committee are entitled to expenses as provided under RCW  
35 43.03.050 and 43.03.060.

36 (3) The safety and health impact grant review committee with  
37 assistance from department staff shall:

38 (a) Prepare requests for proposals;

1 (b) Receive, review, and process grant applications;  
2 (c) Identify, by two-thirds majority vote, grant applications that  
3 merit funding and forward those applications to the director; and  
4 (d) Identify, by two-thirds majority vote, funded grants that meet  
5 criteria for suspension or revocation and forward those recommendations  
6 to the director. The director shall ensure that the safety and health  
7 impact grant review committee receives appropriate administrative  
8 support.

9 NEW SECTION. **Sec. 3.** (1) The safety and health impact grant  
10 review committee, in cooperation with the director, shall develop grant  
11 application procedures and approval criteria. The director shall  
12 ensure the proper administrative support to successfully monitor grant  
13 recipients for compliance with grant criteria and all other procedures  
14 and requirements of the grant program. The director in cooperation  
15 with the safety and health impact grant review committee shall  
16 implement procedures and criteria for grant approval, including  
17 procedures for suspension or revocation of grants to recipients failing  
18 to comply with grant criteria established under the authority of this  
19 section or other legal requirements.

20 (2) The director shall approve only those grant applications and  
21 their recommended acceptance conditions as forwarded by the safety and  
22 health impact grant review committee, unless the director has a  
23 compelling and substantive reason to reject an application, whereupon  
24 the director shall provide written explanation for the denial to the  
25 review committee. The safety and health impact grant review committee  
26 shall review any grant applications rejected by the director and may  
27 advise the director to reconsider. The director shall consider the  
28 advice, if given, and shall approve the grant application with any  
29 conditions presented by the safety and health impact grant review  
30 committee. The director may reject that advice only for a compelling  
31 and substantive reason. If the director rejects that advice, the  
32 safety and health impact grant review committee may refer the  
33 application to the WISHA advisory committee. The WISHA advisory  
34 committee shall review the application and may advise the director to  
35 reconsider.

36 (3) The director may revoke or suspend an issued grant if advised  
37 by the safety and health impact grant review committee that the  
38 recipient is not in compliance with grant criteria or procedures. The

1 director may suspend an issued grant without the advice of the safety  
2 and health impact grant review committee only for a compelling and  
3 substantive reason and the suspension recommendation shall be presented  
4 to the safety and health impact grant review committee for its  
5 consideration.

6 NEW SECTION. **Sec. 4.** The department and the safety and health  
7 impact grant review committee will present an annual review regarding  
8 the activities of the safety and health impact grant program to the  
9 WISHA advisory committee and the workers' compensation advisory  
10 committee, and make it available to the appropriate standing committees  
11 of the legislature. Based on a recommendation of the WISHA advisory  
12 committee, the workers' compensation advisory committee shall make a  
13 biennial recommendation to the director concerning an appropriate  
14 budget for the program.

15 NEW SECTION. **Sec. 5.** The director and representatives from the  
16 WISHA advisory committee shall perform a comprehensive review of the  
17 grant program that shall include, but not be limited to, measurable  
18 outcomes related to injury and illness reduction, hazard reduction, and  
19 safety and health awareness and shall issue a report to the appropriate  
20 legislative committees by December 31, 2007.

21 NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now  
22 existing or hereafter amended, are each repealed, effective July 1,  
23 2008:

- 24 (1) Section 1 of this act;
- 25 (2) Section 2 of this act;
- 26 (3) Section 3 of this act;
- 27 (4) Section 4 of this act; and
- 28 (5) Section 5 of this act.

29 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each  
30 added to chapter 49.17 RCW.

31 NEW SECTION. **Sec. 8.** The sum of five million dollars, or as much  
32 thereof as may be necessary, is appropriated for the biennium ending  
33 June 30, 2003, from the medical aid account--state appropriation to the  
34 department of labor and industries to carry out the purposes of this

1 act. Only medical aid account funds in excess of actuarial needs may  
2 be appropriated.

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